

**UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

ALEXANDER M. CASSIDY)	
Plaintiff,)	
)	CAUSE NO.: 2:22-cv-00087
vs.)	
)	
UNITED STATES DEPARTMENT)	
OF AGRICULTURE (USDA), TOM)	
VILSACK, Secretary, in his official)	
capacity, ANIMAL PLANT)	
HEALTH INSPECTION SERVICE)	
(APHIS), and KEVIN SHEA,)	
Administrator, in his official capacity,)	
)	
Defendants.)	

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff, Alexander M. Cassidy, by counsel, **WRUCK PAUPORE PC**, and for his Complaint against the Defendants, and states as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff, Alexander M. Cassidy (“Plaintiff”), is an individual and is now, and at all times mentioned in this Complaint, was a resident of Mitchell, Indiana, and is an Indiana citizen.

2. Defendant, the United States Department of Agriculture (“USDA”), is the federal executive department responsible for developing and executing federal laws related to farming, forestry, rural economic development, and food. Defendant Tom Vilsack, in his official capacity, was and is at all times the Secretary of the USDA.

3. Defendant, the Animal and Plant Health Inspection Service, (“APHIS”) is an agency of the Defendant USDA, responsible for protecting animal health, animal welfare, and plant health.

4. Madeleine A. Pfaff (“Pfaff”) is an individual and is now, and at all times mentioned in this Complaint, was a resident of Paoli, Indiana, and is an Indiana citizen.

5. At all times relevant hereto, Pfaff was an employee and acting within her scope of employment with the United States of America, its Animal Plant Health Inspection Service, and the USDA.

6. Subject matter jurisdiction and is proper in this court pursuant to U.S. Const. Art. III, § 2, 28 U.S.C. § 1346(b)(1), and the Defendants are an agency of the United States of America and its Secretary, acting in his official capacity.

7. Venue is proper within this district as the controversy which exists occurred within in the Northern District of Indiana.

COMMON ALLEGATIONS

8. Plaintiff restates and incorporates by reference Paragraphs 1 through 5 as though fully set forth here.

9. On or about June 22, 2020, Plaintiff was traveling on his motorcycle northbound on Hollace Chastain Road in the 2100 block, in Mitchell, Indiana.

10. At the same time, Pfaff was also traveling southbound on Hollace Chastain Road in the same location as Plaintiff. Pfaff was driving a 2019 Dodge Ram, owned by Defendant USDA, within the course and scope of Pfaff’s employment with the United States of America.

11. Plaintiff was traveling in his lane of traffic beginning a turn when Pfaff began crossing into Plaintiff’s lane of travel.

12. Plaintiff quickly turned into the opposite lane of travel in an attempt to avoid the collision, however, Pfaff then corrected, returned to her lane of travel, and struck Plaintiff in a head-on collision.

13. The crash caused significant, life-threatening injuries to Plaintiff.

14. Pfaff failed to operate her vehicle safely in accordance with her general duty of care and by Indiana law.

15. Further, Pfaff failed to operate her vehicle safely as was required by the road conditions and by Indiana law at the time of the collision.

16. Pfaff was negligent in causing the aforescribed incident and Plaintiff was without fault.

17. Plaintiff has suffered pain, suffering, mental anguish, and loss of enjoyment of his life as the result of the aforescribed June 22, 2020, incident.

18. Plaintiff has also incurred economic loss as the result of the aforescribed June 22, 2020, incident, including, without limitation, hospital, doctor, and other medical expenses and lost work time.

19. Plaintiff's aforescribed injuries, damages, and losses were and are a direct and proximate result of Defendant's negligence.

COUNT I -- NEGLIGENCE

20. The Plaintiff restates and incorporates by reference paragraphs 1 through 19 as though fully set forth here.

21. At all times relevant to this cause of action, Defendant Pfaff was an employee of Defendant USDA, APHIS, and the United States of America, and at all such times was acting within the full course, scope and authority of her employment with Defendants.

22. Pfaff's negligent acts described herein are imputed to Defendants under the principles of *respondeat superior* and the law of agency.

23. Pfaff and Defendants owed Plaintiff a common law duty of care while driving her vehicle on or about June 22, 2020 and was further obligated to operate her vehicle suitably for the road conditions on the day of the accident and in compliance with Indiana statutes.

24. Pfaff and Defendants breached her common law duty of care and applicable Indiana law resulting in the June 22, 2020, incident and proximately causing Plaintiff's injuries.

25. Pfaff and Defendants were negligent and/or negligent *per se* as a matter of law in causing the December June 22, 2020 incident.

26. Defendants are liable to Plaintiff for her injuries described herein, as well as for any and all other injuries or damages proximately caused by Defendant's negligence.

27. Plaintiff is entitled to judgment against Defendants in an amount reasonably and fully compensating her for all such injuries and damages.

28. On or about August 5, 2021, Plaintiff submitted his Claim for Damage, Injury, or Death pursuant to the FTCA 28 U.S.C. 2671-2680, seeking damages of \$3,000,000. The claim was forwarded to the Office of the Attorney General and as of the date of this filing, was still under review and no response made.

RELIEF

WHEREFORE, the Plaintiff, Alexander M. Cassidy, demands judgment and an award of damages in an amount compensating Plaintiff fully for all injuries described herein and for all other relief just and proper in the premises.

Respectfully submitted,

WRUCK PAUPORE PC

s/ Donald W. Wruck

Donald W. Wruck (#21880-45)
Galleria Building II
275 U. S. Hwy. 30, Suite 250
Dyer, Indiana 46311
Tel: 219-322-1166
Fax: 1-866-891-1166
dwruck@wp-law.com